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Fulbright & Jaworski, LLP
1301 McKinney, Suite 5100
Houston, TX 77010-3095

In re Application of
SATO, Kenji et al.
Application No.: 10/574,400
PCT No.: PCT/JP04/03432
Int. Filing Date: 15 March 2004
Priority Date: 20 March 2003
Docket No.: HO-P03167US0
For: PROTEOGLYCAN ISOLATED ...
PRODUCING THE SAME

DECISION

ON PETITIONS UNDER

37 CFR 1.10(e) and 37 CFR 1.137(b)

This decision is in response to applicants' "Petition to Accept 371 National Phase Application As Timely Filed," and "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 11 April 2006.

BACKGROUND

On 15 March 2004, applicants filed international application PCT/JP04/03432, claiming a priority date of 20 March 2003. A copy of the international application was transmitted to the Office by the IB on 30 September 2004. The deadline for entry into the national stage in the United States was 20 September 2005.

On 20 September 2005, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 29 March 2006, applicants filed a petition under 37 CFR 1.10(e), accompanied by copies of what applicants claim was submitted on 20 September 2005.

On 03 April 2006, applicants filed a petition under 37 CFR 1.137(b), accompanied by a second payment of fees.

DISCUSSION

Applicants state that the 20 September 2005 papers sent to the Office were lost and that the Office has no record of the documents other than the cashed check. Applicants are mistaken. The 20 September 2005 papers are present in the file. The application is not abandoned. Applicants' petition to revive fee and duplicate national fees paid 03 April 2006, will be refunded to deposit account no. 06-2375, as authorized.

CONCLUSION

For the reasons set forth above, the petitions under 37 CFR 1.10(e) and 37 CFR 1.137(b) are **DISMISSED AS MOOT.**

Application No. 10/574,400

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The application has a 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date of 20 September 2005.



Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459